

IN THE CIRCUIT COURT OF JONES COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DOWDY & DOWDY PARTNERSHIP,
d/b/a WZKX (FM) RADIO STATION

PLAINTIFF

VS.

CAUSE NO. 2009-95-CV11

ARBITRON, INC., A DELAWARE CORPORATION,
CLEAR CHANNEL COMMUNICATIONS, INC.,
A FOREIGN CORPORATION, CC LICENSE, LLC, and
CHASE RADIO PROPERTIES, INC., ALOHA STATION
TRUST, LLC, EACH A FOREIGN LIMITED LIABILITY
COMPANY AND CAPSTAR TX LIMITED PARTNERSHIP,
A FOREIGN PARTNERSHIP

DEFENDANTS

SUMMONS

You are hereby commanded to serve this Summons and a copy of the Complaint in this
action upon:

ARBITRON, INC.
THROUGH ITS AGENT FOR SERVICE:
C T Corporation System
645 Lakeland East Drive
Flowood, MS 39232

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST
TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written Answer either admitting or
denying each allegation in the Complaint to Wayne Dowdy, the attorney for the Plaintiffs, whose
address is DOWDY & COCKERHAM, 215 East Bay Street, Post Office Box 30, Magnolia,
Mississippi 39652.

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY DAYS FROM THE DATE
OF DELIVERY OF THIS SUMMONS AND COMPLAINT OR A JUDGMENT BY DEFAULT MAY BE
ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE
COMPLAINT.

EXHIBIT
A

You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

BART GAVIN, Circuit Clerk
By: Wanda Robinson, D.C.
CLERK OF COURT

Dated: 11-12-09

IN THE CIRCUIT COURT OF JONES COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

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TRUST, LLC, EACH A FOREIGN LIMITED LIABILITY
COMPANY AND CAPSTAR TX LIMITED PARTNERSHIP,
A FOREIGN PARTNERSHIP

DEFENDANTS

JURY TRIAL REQUESTED

COMPLAINT

COMES NOW the Plaintiff, Dowdy & Dowdy Partnership, d/b/a WZKX (FM) Radio Station, who files this complaint against the Defendants, Arbitron, Inc., a Delaware corporation, Clear Channel Communications, Inc., a foreign corporation, CC License, LLC, Chase Radio Properties, Inc., and Aloha Station Trust, LLC, each a foreign limited liability company, and Capstar TX Limited Partnership, a foreign limited partnership for damages. In support of its complaint, and demanding trial by jury, the Plaintiff would show the following:

1. The Plaintiff, Dowdy & Dowdy Partnership is a partnership organized and existing under the laws of the State of Mississippi, which partnership owns and operates WZKX (FM) Radio Station, ("WZKX") and which radio station transacts business in the Biloxi-Gulfport and Laurel-Hattiesburg, Mississippi radio markets.

2. The Defendant, Arbitron, Inc. ("Arbitron") is a corporation existing under the laws of the State of Maryland, which corporation is qualified to transact business in the

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BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

State of Mississippi, and which corporation has appointed C T Corporation System, 645 Lakeland East Drive, Flowood, Mississippi 39232 as agent for service of process.

3. The Defendant, Clear Channel Communications, Inc., is a foreign corporation which has not qualified to transact business within the State of Mississippi, but which foreign corporation is transacting business within this state. Service of process on the Defendant, Clear Channel may be had by mail service at its address, 200 East Basse Road, San Antonio, Texas 78209-8328.

4. The Defendant, CC License, LLC, ("CC") is a foreign limited liability company transacting business within the State of Mississippi, but which company has not qualified to do business in this state. Process by mail service can be obtained on the Defendant by service at its mailing address, 2625 South Memorial Drive, Suite A, Tulsa, Oklahoma 74129.

5. The Defendant, Chase Radio Properties, LLC ("Chase") is a foreign limited liability company which is not qualified to transact business in the State of Mississippi, but which is transacting business in this state. The Defendant Chase may be served by mail at its business address, 115 East Travis, Suite 1427, San Antonio, Texas 78205.

6. The Defendant, Aloha Station Trust, LLC ("Aloha") is a foreign limited liability company which is not qualified to transact business within the State of Mississippi, but which company is transacting business in this state. Service of process by mail should be sent to the business address which is 2119 Chittim Pass Drive, San Antonio, Texas 78232.

7. The Defendant Capstar TX, ("Capstar") is a foreign limited partnership

which is not qualified to transact business within the State of Mississippi, but which is transacting business in this state. Service of process by mail may be had at its business address, 2625 South Memorial Drive, Suite A, Tulsa, Oklahoma 74129.

8. The Defendant Arbitron provides listener-demographics data to radio stations. Arbitron is an international marketing research firm which also provides listener data to advertising agencies in the United States and Europe. Radio stations and advertisers use Arbitron ratings to negotiate advertising prices.

9. The Defendant Clear Channel operates radio broadcasting stations in the Biloxi-Gulfport, Mississippi market and the Laurel-Hattiesburg, Mississippi market. The Defendant Clear Channel is the owner and operator of more than 1000 radio stations located throughout the United States, in addition to its radio stations in the Biloxi-Gulfport and Laurel-Hattiesburg markets.

10. The Defendants Chase, CC, Aloha, and Capstar are believed to be wholly owned subsidiary entities of the Defendant, Clear Channel, and which operates radio stations in the Laurel-Hattiesburg and Biloxi-Gulfport markets.

11. The Plaintiff, WZKX, is an FM broadcasting station which competes with the Clear Channel Defendants in the Biloxi-Gulfport and the Laurel-Hattiesburg radio markets. Substantial acts, on which this complaint is based, occurred in Jones County, Mississippi.

12. The Defendants have jointly acted to create a trust or combine, or a combination, contract, understanding or agreement, expressed or implied, in violation of § 75-21-1, et seq., Mississippi Code Annotated.

13. 13. Particularly, Arbitron and the remaining Defendants have violated

§ 73-21-3(e), Mississippi Code Annotated, which provides:

"any corporation.....selling a service for a less price in one locality than in another...shall be deemed and held a trust and combine within the meaning of this section....it shall be sufficient to make out a prima facie case of a violation of subdivision(e).....to show lower charge for the service... in one locality than another...."

14. The Defendants, by and through their agents, each individually and in a combination, acting with understanding or agreement, expressed or implied, between themselves and the other Defendants, have restrained or attempted to restrain the freedom of trade or production within the radio broadcasting business, the results of which are to a degree inimical to the public welfare specifically, the Defendants have destroyed or have attempted to destroy competition within the radio broadcasting business by selling or offering Arbitron services to the remaining Defendants at a much lower price than that offered or required to be paid by the Plaintiff, in direct violation of § 75-21-3, Mississippi Code Annotated.

15. The Defendant Arbitron has enforced its license agreement contract arbitrarily by requiring the Plaintiff to pay exorbitant charges, while waiving escalation clauses contained in its contract and performing other acts for the benefit of the remaining Defendants.

16. The Defendants, and each of them, have conspired with the other Defendants for the purpose of injury to the property and other rights of the Plaintiff herein. The Defendants, and each of them, have, by and through their agents, engaged in a conspiracy to injure the business of the Plaintiff, and to defraud the Plaintiff herein.

17. Because of the acts complained of, the Plaintiff has suffered a destruction of his valuable business interest, loss of commercial standing, and other financial

consequences resulting from the acts and omissions of the Defendants, in violation of § 75-21-3, Mississippi Code Annotated, and from the conspiracy and other acts and omissions of the Defendants.

18. The Defendant Arbitron has routinely charged, demanded, or attempted arbitrarily to charge disparate higher and lower rates for the same services to different radio stations, advertising agencies and other entities located in the same and other Mississippi localities in direct violation of § 75-21-3 Mississippi Code Annotated.

19. At all times, the Defendants, and each of them, have acted willfully, wrongfully, and maliciously toward Plaintiff and with the intent to injure the Plaintiff in its business.

20. As a result of the unlawful acts of the Defendants, the Plaintiff has suffered actual damages in the amount of Four Million Five Hundred Thousand Dollars (\$4,500,000.00).

18. By reason of the willful, wrongful, and malicious nature of Defendants' acts and course of conduct, done with the intent to injure Plaintiffs and in violation of Mississippi law, the Plaintiff is entitled to recover punitive damages, in addition to their actual damages, in the amount of Five Million Dollars (\$5,000,000.00).

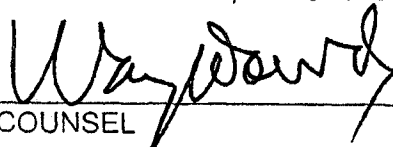
WHEREFORE, Plaintiff demands judgment of and from the Defendants, jointly and severally, in the amount of \$9,500,000.00.

TRIAL BY JURY DEMANDED.

Respectfully Submitted,

DOWDY & DOWDY PARTNERSHIP,
d/b/a WZKX (FM) RADIO STATION,
PLAINTIFF

BY: WAYNE DOWDY, ATTORNEY AT LAW


OF COUNSEL

WAYNE DOWDY, MSB # 6177
DOWDY & COCKERHAM
ATTORNEYS AT LAW
215 East Bay Street
Post Office Box 30
Magnolia, Mississippi 39652
(601) 783-6600

IN THE CIRCUIT COURT OF JONES COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DOWDY & DOWDY PARTNERSHIP,
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CHASE RADIO PROPERTIES, INC., ALOHA STATION
TRUST, LLC, EACH A FOREIGN LIMITED LIABILITY
COMPANY AND CAPSTAR TX LIMITED PARTNERSHIP,
A FOREIGN PARTNERSHIP

DEFENDANTS

SUMMONS

You are hereby commanded to serve this Summons and a copy of the Complaint in this
action upon:

CLEAR CHANNEL COMMUNICATIONS, INC.
200 East Basse Road
San Antonio, TX 78209-8328

NOTICE TO DEFENDANT

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You are required to mail or hand deliver a copy of a written Answer either admitting or
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COMPLAINT.

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CLEAR CHANNEL
LEGAL

425-2556

You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

BART GAVIN, Circuit Clerk
By: Wanda Robinson D.C.
CLERK OF COURT

Dated: 11-12-09

IN THE CIRCUIT COURT OF JONES COUNTY, MISSISSIPPI
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A FOREIGN PARTNERSHIP

DEFENDANTS

JURY TRIAL REQUESTED

COMPLAINT

COMES NOW the Plaintiff, Dowdy & Dowdy Partnership, d/b/a WZKX (FM) Radio Station, who files this complaint against the Defendants, Arbitron, Inc., a Delaware corporation, Clear Channel Communications, Inc., a foreign corporation, CC License, LLC, Chase Radio Properties, Inc., and Aloha Station Trust, LLC, each a foreign limited liability company, and Capstar TX Limited Partnership, a foreign limited partnership for damages. In support of its complaint, and demanding trial by jury, the Plaintiff would show the following:

1. The Plaintiff, Dowdy & Dowdy Partnership is a partnership organized and existing under the laws of the State of Mississippi, which partnership owns and operates WZKX (FM) Radio Station, ("WZKX") and which radio station transacts business in the Biloxi-Gulfport and Laurel-Hattiesburg, Mississippi radio markets.

2. The Defendant, Arbitron, Inc. ("Arbitron") is a corporation existing under the laws of the State of Maryland, which corporation is qualified to transact business in the

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State of Mississippi, and which corporation has appointed C T Corporation System, 645 Lakeland East Drive, Flowood, Mississippi 39232 as agent for service of process.

3. The Defendant, Clear Channel Communications, Inc., is a foreign corporation which has not qualified to transact business within the State of Mississippi, but which foreign corporation is transacting business within this state. Service of process on the Defendant, Clear Channel may be had by mail service at its address, 200 East Basse Road, San Antonio, Texas 78209-8328.

4. The Defendant, CC License, LLC, ("CC") is a foreign limited liability company transacting business within the State of Mississippi, but which company has not qualified to do business in this state. Process by mail service can be obtained on the Defendant by service at its mailing address, 2625 South Memorial Drive, Suite A, Tulsa, Oklahoma 74129.

5. The Defendant, Chase Radio Properties, LLC ("Chase") is a foreign limited liability company which is not qualified to transact business in the State of Mississippi, but which is transacting business in this state. The Defendant Chase may be served by mail at its business address, 115 East Travis, Suite 1427, San Antonio, Texas 78205.

6. The Defendant, Aloha Station Trust, LLC ("Aloha") is a foreign limited liability company which is not qualified to transact business within the State of Mississippi, but which company is transacting business in this state. Service of process by mail should be sent to the business address which is 2119 Chittim Pass Drive, San Antonio, Texas 78232.

7. The Defendant Capstar TX, ("Capstar") is a foreign limited partnership

which is not qualified to transact business within the State of Mississippi, but which is transacting business in this state. Service of process by mail may be had at its business address, 2625 South Memorial Drive, Suite A, Tulsa, Oklahoma 74129.

8. The Defendant Arbitron provides listener-demographics data to radio stations. Arbitron is an international marketing research firm which also provides listener data to advertising agencies in the United States and Europe. Radio stations and advertisers use Arbitron ratings to negotiate advertising prices.

9. The Defendant Clear Channel operates radio broadcasting stations in the Biloxi-Gulfport, Mississippi market and the Laurel-Hattiesburg, Mississippi market. The Defendant Clear Channel is the owner and operator of more than 1000 radio stations located throughout the United States, in addition to its radio stations in the Biloxi-Gulfport and Laurel-Hattiesburg markets.

10. The Defendants Chase, CC, Aloha, and Capstar are believed to be wholly owned subsidiary entities of the Defendant, Clear Channel, and which operates radio stations in the Laurel-Hattiesburg and Biloxi-Gulfport markets.

11. The Plaintiff, WZKX, is an FM broadcasting station which competes with the Clear Channel Defendants in the Biloxi-Gulfport and the Laurel-Hattiesburg radio markets. Substantial acts, on which this complaint is based, occurred in Jones County, Mississippi.

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17. Because of the acts complained of, the Plaintiff has suffered a destruction of his valuable business interest, loss of commercial standing, and other financial

consequences resulting from the acts and omissions of the Defendants, in violation of § 75-21-3, Mississippi Code Annotated, and from the conspiracy and other acts and omissions of the Defendants.

18. The Defendant Arbitron has routinely charged, demanded, or attempted arbitrarily to charge disparate higher and lower rates for the same services to different radio stations, advertising agencies and other entities located in the same and other Mississippi localities in direct violation of § 75-21-3 Mississippi Code Annotated.

19. At all times, the Defendants, and each of them, have acted willfully, wrongfully, and maliciously toward Plaintiff and with the intent to injure the Plaintiff in its business.

20. As a result of the unlawful acts of the Defendants, the Plaintiff has suffered actual damages in the amount of Four Million Five Hundred Thousand Dollars (\$4,500,000.00).

18. By reason of the willful, wrongful, and malicious nature of Defendants' acts and course of conduct, done with the intent to injure Plaintiffs and in violation of Mississippi law, the Plaintiff is entitled to recover punitive damages, in addition to their actual damages, in the amount of Five Million Dollars (\$5,000,000.00).

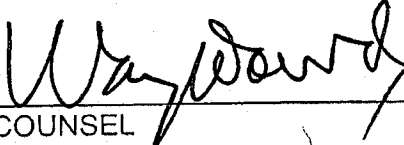
WHEREFORE, Plaintiff demands judgment of and from the Defendants, jointly and severally, in the amount of \$9,500,000.00.

TRIAL BY JURY DEMANDED.

Respectfully Submitted,

DOWDY & DOWDY PARTNERSHIP,
d/b/a WZKX (FM) RADIO STATION,
PLAINTIFF

BY: WAYNE DOWDY, ATTORNEY AT LAW



OF COUNSEL

WAYNE DOWDY, MSB # 6177
DOWDY & COCKERHAM
ATTORNEYS AT LAW
215 East Bay Street
Post Office Box 30
Magnolia, Mississippi 39652
(601) 783-6600

IN THE CIRCUIT COURT OF JONES COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DOWDY & DOWDY PARTNERSHIP,
d/b/a WZKX (FM) RADIO STATION

PLAINTIFF

VS.

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ARBITRON, INC., A DELAWARE CORPORATION,
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TRUST, LLC, EACH A FOREIGN LIMITED LIABILITY
COMPANY AND CAPSTAR TX LIMITED PARTNERSHIP,
A FOREIGN PARTNERSHIP

DEFENDANTS

NOTICE OF SERVICE

Notice is hereby given, pursuant to Rule 34, that Plaintiff, Dowdy & Dowdy Partnership, d/b/a WZKX (FM) Radio Station, has this date served in the above entitled action:

1. Plaintiff's Request For Production of Documents

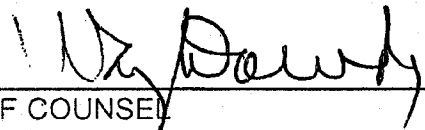
The undersigned retains the originals of the above papers as custodian thereof pursuant to Uniform Local Rule 6(e)(2).

DATED: November 11, 2009

Respectfully submitted,

DOWDY & DOWDY PARTNERSHIP, PLAINTIFF

BY: WAYNE DOWDY, ATTORNEY AT LAW



OF COUNSEL

FILED

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BART GAVIN
CIRCUIT CLERK
JONES COUNTY, MS

IN THE CIRCUIT COURT OF JONES COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

DOWDY & DOWDY PARTNERSHIP,
d/b/a WZKX (FM) RADIO STATION

PLAINTIFF

VS.

CAUSE NO. 2009-95-CV11

ARBITRON, INC., A DELAWARE CORPORATION,
CLEAR CHANNEL COMMUNICATIONS, INC.,
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CHASE RADIO PROPERTIES, INC., ALOHA STATION
TRUST, LLC, EACH A FOREIGN LIMITED LIABILITY
COMPANY AND CAPSTAR TX LIMITED PARTNERSHIP,
A FOREIGN PARTNERSHIP

DEFENDANTS

REQUEST FOR PRODUCTION

Pursuant to Rule 34 of the Mississippi Rules of Civil Procedure, Plaintiff, by counsel,
submits the following Request For Production of Documents to Defendants.

REQUEST 1: All contract documents including licensing agreements, between
Arbitron and Clear-Channel Communications or any subsidiary of Clear-Channel, including,
but not limited to CC License, LLC, Chase Radio Properties, Aloha Station Trust, LLC, and
Capstar TX Limited Partnership from 1998 to the present time.

Respectfully Submitted,

DOWDY & DOWDY PARTNERSHIP, PLAINTIFF

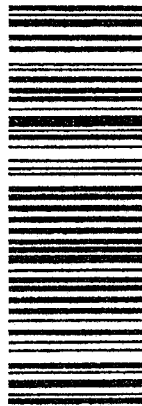
BY: WAYNE DOWDY, ATTORNEY AT LAW



OF COUNSEL

DOWDY & COCKERHAM
LAWYERS

POST OFFICE BOX 30
MAGNOLIA, MISSISSIPPI 39652

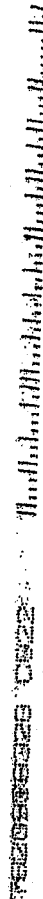


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Clear Channel Communications, Inc.
200 East Basse Road
San Antonio, TX 78209-8328



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

DOWDY & DOWDY PARTNERSHIP,
d/b/a WZKX (FM) RADIO STATION

PLAINTIFF

VS.

CIVIL ACTION NO. _____

ARBITRON, INC., A DELAWARE
CORPORATION; CLEAR CHANNEL
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CORPORATION; CC LICENSE, LLC, AND
CHASE RADIO PROPERTIES, INC.;
ALOHA STATION TRUST, LLC, EACH A
FOREIGN LIMITED LIABILITY COMPANY
AND CAPSTAR TX LIMITED
PARTNERSHIP, A FOREIGN
PARTNERSHIP

DEFENDANTS

JOINDER IN REMOVAL

Please take notice that Defendant Clear Channel Communications, Inc., by and through the undersigned counsel, hereby joins in the removal of this case to this United States District Court, Southern District of Mississippi, Hattiesburg Division, upon all grounds set forth in the Notice of Removal filed in this action.

This, the 11th day of December, 2009.

Respectfully submitted,

CLEAR CHANNEL COMMUNICATIONS, INC.


One of its Attorneys

EXHIBIT
C

OF COUNSEL:

Robert L. Gibbs, MSB #4816
Shunda P. Baldwin, MSB #101535
Brunini, Grantham, Grower & Hewes, PLLC
The Pinnacle Building, Suite 100
190 East Capitol Street (39201)
Post Office Drawer 119
Jackson, Mississippi 39205-0119
Telephone: (601) 948-3101
Facsimile: (601) 960-6902

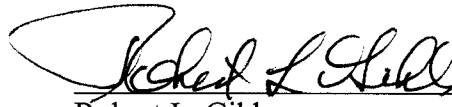
CERTIFICATE OF SERVICE

I do hereby certify that I have this day served by United States mail, postage paid, a true and correct copy of the foregoing document to each of the following:

Wayne Dowdy, Esq.
Dowdy & Cockerham
215 East Bay Street
P.O. Box 30
Magnolia, MS 39652

Neville H. Boschert, Esq.
Laura L. Gibbes, Esq.
Watkins Ludlam Winter & Stennis, P.A.
190 East Capitol Street, Suite 800 (39201)
Post Office Box 427
Jackson, MS 39205-0427

This the 11th day of December, 2009.



Robert L. Gibbs

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

DOWDY & DOWDY PARTNERSHIP,
d/b/a WZKX (FM) RADIO STATION

PLAINTIFF

VS.

CIVIL ACTION NO. _____

ARBITRON, INC., A DELAWARE
CORPORATION; CLEAR CHANNEL
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CORPORATION; CC LICENSE, LLC, AND
CHASE RADIO PROPERTIES, INC.;
ALOHA STATION TRUST, LLC, EACH A
FOREIGN LIMITED LIABILITY COMPANY
AND CAPSTAR TX LIMITED
PARTNERSHIP, A FOREIGN
PARTNERSHIP

DEFENDANTS

JOINDER IN REMOVAL

Please take notice that Defendant, Aloha Station Trust, LLC, by and through the undersigned counsel, hereby joins in the removal of this case to this United States District Court, Southern District of Mississippi, Hattiesburg Division, upon all grounds set forth in the Notice of Removal filed in this action.

This, the 11th day of December, 2009.

Respectfully submitted,

ALOHA STATION TRUST, LLC


One of its Attorneys

EXHIBIT
D

OF COUNSEL:

Robert L. Gibbs, MSB #4816
Shunda P. Baldwin, MSB #101535
Brunini, Grantham, Grower & Hewes, PLLC
The Pinnacle Building, Suite 100
190 East Capitol Street (39201)
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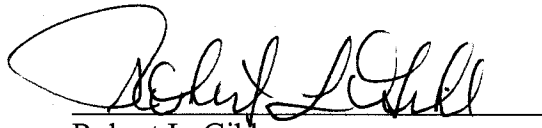
CERTIFICATE OF SERVICE

I do hereby certify that I have this day served by United States mail, postage paid, a true and correct copy of the foregoing document to each of the following:

Wayne Dowdy, Esq.
Dowdy & Cockerham
215 East Bay Street
P.O. Box 30
Magnolia, MS 39652

Neville H. Boschert, Esq.
Laura L. Gibbs, Esq.
Watkins Ludlam Winter & Stennis, P.A.
190 East Capitol Street, Suite 800 (39201)
Post Office Box 427
Jackson, MS 39205-0427

This the 11th day of December, 2009.


Robert L. Gibbs